

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

Broward County, Florida v. Purdue Pharma L.P., et al., Case No. 18-op-45332

Cabell County Commission v. AmerisourceBergen Drug Corp., et al., Case No. 17-op-45053

City of Chicago v. Cardinal Health, Inc., et al., Case No. 18-op-45281

County of Monroe v. Purdue Pharma L.P., et al., Case No. 18-op-45158

County of Summit, Ohio, et al. v. Purdue Pharma L.P., et al., Case No. 18-op-45090

MDL No. 2804

Case No. 17-MD-2804

Judge Dan Aaron Polster

**CHAIN PHARMACY DEFENDANTS' MOTION FOR EXTENSION OF
PAGE LIMITS FOR MOTION TO DISMISS REPLY BRIEFS**

The Chain Pharmacy Defendants named in the above-captioned cases respectfully request a 14-page extension of the page limits under Case Management Order No. 4 for the reply briefs in support of their motions to dismiss these five cases.¹

1. CMO 4 provides that, in briefing motions to dismiss the initial local government entity cases, the Chain Pharmacy Defendants would receive a combined 100 pages for their opening briefs and a combined 60 pages for their reply briefs. The other defendant groups each

¹ The Chain Pharmacy Defendants bringing this motion include CVS Indiana, LLC; Rite Aid of Maryland, Inc., d/b/a Mid-Atlantic Customer Support Center; The Kroger Co.; Walgreen Co.; Walmart Inc.; and related entities named in the above-captioned cases.

received 150 pages for opening briefs and 90 pages for reply briefs. Plaintiffs received a combined 400 pages for their opposition briefs.

2. The Chain Pharmacy Defendants did not have an opportunity to comment on a proposal for different page limits in advance of the entry of CMO 4 and subsequently indicated to the Special Master their objection to less favorable treatment than the other defendant groups. They nevertheless agreed that they would attempt to work within the page limits to the extent that they were able to do so.

3. While the Chain Pharmacy Defendants were able to file opening briefs under the 100-page combined limit, it has not proven feasible to file reply briefs within the combined limit of 60 pages. In particular, because Plaintiffs opted to file omnibus opposition briefs in each case, the Chain Pharmacy Defendants' reply briefs must respond to hundreds of pages of opposition briefing.

4. The Chain Pharmacy Defendants' reply briefs being filed today in the *Broward County*, *Cabell County*, *City of Chicago*, and *Monroe County* cases, plus their previously filed reply brief in the *Summit County* case, total 74 pages—*i.e.*, 14 pages more than the 60-page combined limit under CMO 4, but still substantially less than the 90-page combined limit that each of the other defendant groups received.

5. For reference, the combined length of the Chain Pharmacy Defendants' reply briefs is still total only 22% of the combined length of the opposition briefs to which they are replying.

6. The Special Master has indicated that he agrees that it would be appropriate for the Court to grant this motion.

WHEREFORE, the Chain Pharmacy Defendants respectfully request that the Court grant them an additional 14 pages for their reply briefs in the above-captioned cases.

Dated: July 30, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this 30th day of July, 2018, I electronically filed a copy of the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record.

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